United Nations S/PV.5016

Security Council

Fifty-ninth year

Provisional

5016th meeting

Wednesday, 4 August 2004, 10 a.m.

New York

President:	Mr. Denisov	(Russian Federation)
Members:	Algeria	Mr. Bencherif
	Angola	Mr. Antonio
	Benin	Mr. Aho-Glele
	Brazil	Mr. García Moritán
	Chile	Mr. Maquieira
	China	Mr. Li Junhua
	France	Mr. Florent
	Germany	Mr. Trautwein
	Pakistan	Mr. Khalid
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Spain	Mr. De Palacio España
	United Kingdom of Great Britain and Northern Ireland	Mr. Watson
	United States of America	Ms. Patterson

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January and 31 December 1994

Letter dated 21 May 2004 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council (S/2004/420)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-44917 (E)

Letter dated 30 April 2004 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 addressed to the President of the Security Council (S/2004/341)

The meeting was called to order at 10.05 a.m.

Expression of thanks to the retiring President

The President (*spoke in Russian*): As this is the first meeting of the Security Council for the month of August, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Mihnea Ioan Motoc, Permanent Representative of Romania to the United Nations, for his service as President of the Security Council for the month of July 2004. I am sure I speak for all members of the Council in expressing deep appreciation to Ambassador Motoc for the great diplomatic skill with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

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The President (*spoke in Russian*): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of the members of the Council to document S/2004/420, which contains a letter dated 21 May 2004 from the President of the International Criminal Tribunal for the former Yugoslavia, and document S/2004/341, which contains a letter dated 30 April 2004 from the President of the International Criminal Tribunal for Rwanda.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council.

"The Security Council takes note of the letter dated 21 May 2004 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY) addressed to the President of the Security Council (S/2004/420).

"The Security Council also takes note of the letter dated 30 April 2004 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (ICTR) addressed to the President of the Security Council (S/2004/341).

"The Security Council thanks the Presidents and Prosecutors of the ICTY and the ICTR for these assessments requested by its resolution 1534 (2004), as supplemented by their oral reports at the 4999th meeting of the Security Council on 29 June 2004.

"The Security Council reaffirms its support for the ICTY and the ICTR and welcomes the efforts of both Tribunals to carry out their Completion Strategies. The Council strongly

encourages the Tribunals to undertake every effort to ensure that they remain on track to meet the target dates of the Completion Strategies.

"The Security Council stresses that the full cooperation of all States with the Tribunals is not only a mandatory obligation of all States under its resolutions 827 (1993) and 955 (1994) and the statutes of the Tribunals, but also is an essential element in realizing the Completion Strategies. In this regard the Council takes careful note of the assessments presented with respect to the level of cooperation by the authorities of Serbia and Montenegro and the Republika Srpska within Bosnia and Herzegovina with the ICTY. We welcome as well the commitments made by the new government in Serbia regarding cooperation with the ICTY. The Council takes note of developments in Croatian and Rwandan cooperation with the ICTY and ICTR respectively.

"The Security Council reiterates its call on all States, especially Serbia and Montenegro, Croatia and Bosnia and Herzegovina, and on the Republika Srpska within Bosnia and Herzegovina, to intensify cooperation with and render all necessary assistance to the ICTY, particularly to bring Radovan Karadzic and Ratko Mladic, as well as Ante Gotovina and all other such indictees, to the ICTY.

"The Security Council reiterates its call on all States, especially Rwanda, Kenya, the Democratic Republic of the Congo and the Republic of the Congo, to intensify cooperation with and render all necessary assistance to the ICTR, including on investigations of the Rwandan Patriotic Army and efforts to bring Felicien Kabuga and all other such indictees to the ICTR.

"The Security Council notes with concern that the shortfall in financial contributions from Member States is having a disruptive effect on the work of the Tribunals and urges Member States to fulfil their commitments in a timely manner.

"The Security Council emphasizes the importance of the referral of cases involving lower and intermediate rank accused to competent national jurisdictions in achieving the Completion Strategies, and recalls the provisions of its resolutions 1503 (2003) and 1534 (2004), including the call for assistance to ensure the success of this effort.

"The Security Council also notes the concerns expressed by the President of the ICTY on the effect the expiry of the terms of Permanent Judges may have on case management and takes note of the letter of 15 July 2004 from the Acting Legal Counsel bringing forward an invitation to Member States to submit nominations for Permanent Judges of the International Tribunal for the Former Yugoslavia before 13 September 2004.

"The Security Council encourages further dialogue between the Tribunals and its Working Group on matters of mutual concern.

"The Security Council will remain seized of the matter."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2004/28.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

In accordance with the understanding reached in the Council's prior consultations, I wish to invite members of the Security Council to the consultations room to hear a briefing by the Secretary-General. I would like to remind members that the Secretary-General will begin his briefing promptly at 10.30 a.m.

The meeting rose at 10.15 a.m.